

NATURALIZATION

Convention signed at Vienna September 20, 1870

Senate advice and consent to ratification March 22, 1871

Ratified by the President of the United States March 24, 1871

Ratified by Austria-Hungary July 6, 1871

Ratifications exchanged at Vienna July 14, 1871

Entered into force July 14, 1871

Proclaimed by the President of the United States August 1, 1871

*Not revived after World War I*¹

17 Stat. 833; Treaty Series 12

The President of the United States of America and His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to the territories of the Austro-Hungarian Monarchy, and from the Austro-Hungarian Monarchy to the United States of America, have resolved to treat on this subject, and have for that purpose appointed Plenipotentiaries to conclude a Convention, that is to say: The President of the United States of America, John Jay, Envoy Extraordinary and Minister Plenipotentiary from the United States to His Imperial and Royal Apostolic Majesty; and His Majesty the Emperor of Austria, etc., Apostolic King of Hungary, the Count Frederick Ferdinand de Beust, His Majesty's Privy Counsellor and Chamberlain, Chancellor of the Empire, Minister of the Imperial House and of Foreign Affairs, Grand Cross of the Orders of St. Stephen and Leopold, who have agreed to and signed the following articles:

ARTICLE I

Citizens of the Austro-Hungarian Monarchy who have resided in the United States of America uninterruptedly at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the government of Austria and Hungary to be American citizens, and shall be treated as such.

¹ See art. 241 of Treaty of St. Germain-en-Laye signed Sept. 10, 1919 (*ante*, p. 277), and art. 224 of Treaty of Trianon signed June 4, 1920 (*post*, HUNGARY), the benefits of which were secured to the United States by the treaties establishing friendly relations dated Aug. 24, 1921 (TS 659, *ante*, p. 215), and Aug. 29, 1921 (TS 660, *post*, HUNGARY).

Reciprocally, citizens of the United States of America who have resided in the territories of the Austro-Hungarian Monarchy uninterruptedly at least five years, and during such residence have become naturalized citizens of the Austro-Hungarian Monarchy, shall be held by the United States to be citizens of the Austro-Hungarian Monarchy, and shall be treated as such.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE II

A naturalized citizen of the one party, on return to the territory of the other party, remains liable to trial and punishment for an action punishable by the laws of his original country committed before his emigration, saving always the limitation established by the laws of his original country and any other remission of liability to punishment.

In particular, a former citizen of the Austro-Hungarian Monarchy, who, under the first article, is to be held as an American citizen, is liable to trial and punishment, according to the laws of Austro-Hungary, for nonfulfilment of military duty;

1° If he has emigrated, after having been drafted at the time of conscription, and thus having become enrolled as a recruit for service in the standing army.

2° if he has emigrated whilst he stood in service under the flag, or had leave of absence only for a limited time;

3° if, having a leave of absence for an unlimited time, or belonging to the reserve or to the militia, he has emigrated after having received a call into service, or after a public proclamation requiring his appearance, or after war has broken out.

On the other hand, a former citizen of the Austro-Hungarian Monarchy naturalized in the United States, who by or after his emigration has transgressed the legal provisions on military duty by any acts or omissions other than those above enumerated in the clauses numbered one, two, and three, can, on his return to his original country, neither be held subsequently to military service nor remain liable to trial and punishment for the nonfulfilment of his military duty.

ARTICLE III

The convention for the mutual delivery of criminals, fugitives from justice, concluded on the 3d July, 1856,² between the Government of the United States of America, on the one part, and the Austro-Hungarian Monarchy, on the other part, as well as the additional convention, signed on the 8th May, 1848,³ to the treaty of commerce and navigation concluded between the

² TS 9, *ante*, p. 211.

³ TS 8, *ante*, p. 207.

said governments on the 27th of August, 1829,⁴ and especially the stipulations of Article IV of the said additional convention concerning the delivery of the deserters from the ships of war and merchant vessels, remain in force without change.

ARTICLE IV

The emigrant from the one state, or who, according to Article I, is to be held as a citizen of the other state, shall not, on his return to his original country, be constrained to resume his former citizenship; yet if he shall of his own accord reacquire it, and renounce the citizenship obtained by naturalization, such a renunciation is allowable, and no fixed period of residence shall be required for the recognition of his recovery of citizenship in his original country.

ARTICLE V

The present Convention shall go into effect immediately on the exchange of ratifications, and shall continue in force ten years. If neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the contracting parties shall have given notice to the other of such intention.

ARTICLE VI

The present Convention shall be ratified by the President of the United States, by and with the consent of the Senate of the United States, and by his Majesty the Emperor of Austria, etc., King of Hungary, with the constitutional consent of the two legislatures of the Austro-Hungarian Monarchy, and the ratifications shall be exchanged at Vienna within twelve months from the date hereof.

In faith whereof the Plenipotentiaries have signed this Convention as well in German as in English, and have thereto affixed their seals.

Done at Vienna the twentieth day of September, in the year of our Lord one thousand eight hundred and seventy, in the ninety-fifth year of the Independence of the United States of America, and in the twenty-second year of the reign of his Imperial and Royal Apostolic Majesty.

JOHN JAY	[SEAL]
BEUST	[SEAL]

⁴ TS 7, *ante*, p. 202.